

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 Kelvin Laneil James,

4 Petitioner

5 v.

6 High Desert Prison, Nevada, *et al.*,

7 Respondents

Case No.: 2:24-cv-02402-APG-EJY

**Order Dismissing Petition for Writ of
Habeas Corpus**

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9 Kelvin Laneil James has submitted a 28 U.S.C. § 2254 petition for writ of habeas corpus.
10 ECF No. 1-1. As that petition indicates, he already has a habeas petition challenging the same
11 Eighth Judicial District Court, Clark County, Nevada judgment of conviction for voluntary
12 manslaughter pending before this court in Case No. 3:24-cv-00286-ART-CSD. The Federal
13 Public Defender has been appointed in the earlier-filed case, and the parties are currently
14 litigating a show-cause order regarding whether that petition is time-barred. *See* 3:24-cv-00286
15 at ECF No. 13. It is unclear why James has submitted the instant petition. Even if the court
16 construes this petition as a motion to amend the earlier petition, it would be a fugitive document
17 because James is represented by counsel in the earlier petition. *See Woods v. Carey*, 525 F.3d
18 886 (9th Cir. 2008); LR IA 11-6 (once an attorney has made an appearance on behalf of a party,
19 the party may not personally file any document with the court). The court, therefore, dismisses
20 this petition. In the alternative it construes the petition as a motion to amend and strikes the
21 motion as a fugitive document.
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1 I THEREFORE ORDER that this habeas action is **DISMISSED** as set forth in this order.

2 I FURTHER ORDER that the application to proceed *in forma pauperis* [ECF No. 4] is
3 **denied** as moot.

4 I FURTHER ORDER that a certificate of appealability will not issue.

5 I FURTHER ORDER that the Clerk of Court enter final judgment dismissing this petition
6 and close this case.

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8 DATED this 7th day of January, 2025.

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11 ANDREW P. GORDON
12 CHIEF UNITED STATES DISTRICT JUDGE
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